

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD MESSINA,
Petitioner,

vs.

Civil Action No. 11-1242

COMMONWEALTH OF
PENNSYLVANIA, et al.,
Respondents.

O R D E R

AND NOW, this 20th day of October, 2011, after the petitioner, Donald Messina, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the letter submitted by petitioner indicating that he has no objections to the transfer, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 5), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner Donald Messina (Docket No. 1) is transferred to the United States Court of Appeals for the Third Circuit pursuant to 28 U.S.C. § 1631 as a successive petition forthwith.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Donald Messina
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